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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/637,084	08/04/2003	Peter J. Hardro	83346	9094	
23523 75	590 08/03/2005		EXAMINER		
NAVAL UNDERSEA WARFARE CENTER			MAI, NGOCLAN THI		
DIVISION NE	WPORT L STREET, CODE 000C	•	ART UNIT	PAPER NUMBER	
BLDG 112T			1742		
NEWPORT, R	I 02841		DATE MAILED: 08/03/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

4) Claim(s) 1-3 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 1-3 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) is/are objected to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.				W				
Period for Reply As HORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE of this communication appears on the cover sheet with the correspondence address − Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the positions of 3° CPR 1.730(t), in no event, Rowwer, may a regly be timely filed. If the priced rendy is pecified above, the maintainum statutory pariod will apply and will expense 5X (6) MOST 156 from the mailing date of this communication from the period of this communication. Any region of the communication of this communication, when if the period of the communication. Any region is period will be the statutory pariod will apply and will expense 5X (6) MOST 156 from the mailing date of this communication. Any region is such as the first analysis of the period of the communication. Any region is the status of the period of the communication. Any region is the status of the mailing date of this communication, were if strettly filed, may reduce any section of the communication. Any region is the status of the mailing date of this communication, were if strettly filed, may reduce any section of the communication. The strettly filed on 24 May 2005. 2a) [2] This action is FINAL. 2b] [11 is action is non-final. 3] [2] Since this application is in condition for allowance except for formal malters, prosecution as to the merits is closed in accordance with the practice under Exparte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) [2] Claim(s) [-3] Is/are allowed. 4) [2] Claim(s) [-3] Is/are allowed. 5) [2] Claim(s) [-3] Is/are allowed. 6) [2] Claim(s) [-3] Is/are allowed. 6) [2] Claim(s) [-3] Is/are allowed. 7) [2] Claim(s) [-3] Is/are allowed. 8) [3] [4] [4] [4] [4] [4] [4] [4] [4] [4] [4	,	Application No.	Applicant(s)					
Ngodan T. Mai 1742		10/637,084	HARDRO ET AL.					
The MALLING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION. Extendence time may be entitled under the provision of 3 CFR 1 136(a). In an event, however, may a reply be timely filled If the pend for reply specified above it less than thiny (30) days, a reply within the statudory minimum of thiny (30) days, will be considered timely. If No pend for reply specified above it less than thiny (30) days, a reply within the statudory minimum of thiny (30) days, and will be considered timely. If No pend for reply specified above it less than thiny (30) days, a reply within the statudory minimum of thiny (30) days, will be considered timely. If No pend for reply is specified above it less than thiny (30) days, a reply within the statudory minimum of thiny (30) days, will be considered timely. If No pend for reply is specified above it less than thiny (30) days, a reply with the statudory minimum of thiny (30) days will be considered timely. If No pend for reply is specified above it less than thiny (30) days and will dept and will day and will dept and will day and will dept and a second reply advanced to the second reply and will dept and a second reply and will dept and a second reply and will dept and will dept and the second reply and will dept and will dept and will dept and a second reply and will dept and will dept and will dept and a second reply and will dept and will dept and will dept and a second reply advanced reply and will dept and will dept and a second reply advanced reply and will dept and a second reply advanced reply and will dept and a second reply advanced reply and will dept and a second reply advanced reply and will dept and a second reply advanced reply and will dept and a second reply advanced reply advanced reply advanced reply advanced reply and a second reply advanced reply advanced reply advanced reply advanced rep	Office Action Summary	Examiner	Art Unit					
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DETAILED ACTION

Response to Arguments

- 1. Applicant's arguments filed May 24, 2005 have been fully considered but they are not persuasive. Applicant has amended the claims and essentially argues that the claimed composite material is a formed shape and that it does not required rolling to fully integrate the copper with molybdenum are noted. This is not convincing because the limitation "a formed molybdenum particulate shape" merely means that the material has a shape. This is not patentable distinct from the plate shape of the Osada's patent. As for the argument that the plate shape Cu-Mo material of the Osada's patent requires rolling, this is immaterial because there is no patentable distinction (i.e. in properties) between the claimed composite material and that of Osada's patent. Since the composite material taught by Osada et al contains every limitations recited in claims 1 and 2, (see Osada et al. col. 7, lines 26-35), it inherently has the same mean free path and a mean center to center molybdenum particle spacing as recited in claim 3.
- 2. For the above reason the rejection of claims 1-3 as being anticipated by Osada under 35 U.S.C. 102(b) is maintained. The rejection was made in the previous office action is incorporated herein by reference.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoclan T. Mai whose telephone number is (571) 272-1246. The examiner can normally be reached on 9:30-6:00 PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ngodan T. Mai Primary Examiner Art Unit 1742

n.m.